

Attorney Docket No. 71417/49138

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Kearney et al.  
U.S.S.N.: 09/961,128 EXAMINER: Celine Qian  
FILED: September 21, 2001 GROUP: 1636  
FOR: ENDOTHELIAL CELL MITOGEN BIOASSAY

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 23, 2003.

By:

  
Sharon C. Bizokas

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

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II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.     This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.       , filed on       . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b.     A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c.     The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a.     within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.     within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.

- c. ☐ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☒ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. . § 1.17(p).  
or  
b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or  
b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c.      Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

     Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

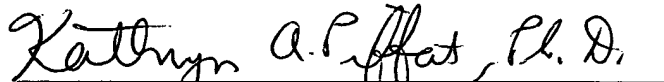
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  x   The fee in the amount of \$180.00 is enclosed herewith.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: December 23, 2003



Kathryn A. Piffat, Ph.D., Reg. No. 34,901

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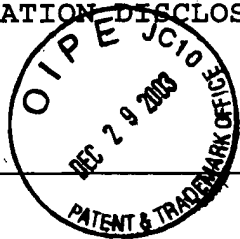
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## UNITED STATES PATENT DOCUMENTS

EXAM. INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPR

## FOREIGN PATENT DOCUMENTS

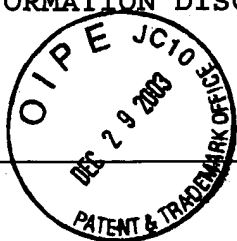
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN YES/NO

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

CA	Alon et al., "Vascular endothelial growth factor acts as a survival factor for newly formed retinal vessels and has implications for retinopathy of prematurity", Nature Medicine, 1(10):1024-1028 (1995)
CB	Falk et al., "A 48-WELL MICRO CHEMOTAXIS ASSEMBLY FOR RAPID AND ACCURATE MEASUREMENT OF LEUKOCYTE MIGRATION", Journal of Immunological Methods, 38:239-247 (1980)
CC	Fischer et al., "Migration assay for endothelial cells in multiwells", Journal of Immunological Methods", 128:235-239 (1990)
CD	Giroux et al., "Modulation of human endothelial cell proliferation and migration by fucoidan and heparin", European Journal of Cell biology, 77:352-359 (1998)
CE	Hoffman et al., "Selective inhibition of cell proliferation and DNA synthesis by the polysulphated carbohydrate I-carrageenan", Cancer Chemother Pharmacol, 36:325-334 (1995)
CF	Kajio et al., "Quantitative Colorimetric Assay for Basic Fibroblast Growth Factor Using Bovine Endothelial Cells and Heparin", JPM 28(1):9-14 (1992)
CG	Meyer et al., "A novel vascular endothelial growth factor encoded by Orf virus, VEGF-E, mediates angiogenesis via signaling through VEGFR-2 (KDR) but not VEGFR-1 (Flt-1) receptor tyrosine kinases", The EMBO Journal, 18(2):363-374 (1999)

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CH	Migdal et al., "Neuropilin-1 Is a Placenta Growth Factor-2 Receptor", The Journal of Biological Chemistry, 273(35):22272-22278 (1998)
CI	Orkin et al., "REPORT AND RECOMMENDATIONS OF THE PANEL TO THE ASSESS THE NIH INVESTMENT IN RESEARCH ON GENE THERAPY", December 7, 1995
CJ	Petruzzelli et al., "HEPARIN-BINDING GROWTH FACTOR(S) DERIVED FROM HEAD AND NECK SQUAMOUS CELL CARCINOMAS INDUCE ENDOTHELIAL CELL PROLIFERATION", Head & Neck, 576-582 (1997)
CK	Sakamoto et al., "Effect of Tecogalan Sodium on Angiogenesis In Vitro by Choroidal Endothelial Cells", Investigative Ophthalmology & Visual Science, 36(6):1076-1083 (1995)
CL	Smith et al., "Gene delivery systems for use in gene therapy: an overview of quality assurance and safety issues", Gene Therapy 3:1990-200 (1996)
CM	Spyridopoulos et al., "Vascular Endothelial Growth Factor Inhibits Endothelial Cell Apoptosis Induced by Tumor Necrosis Factor- $\alpha$ : Balance Between Growth and Death Signals", J. Mol. Cell Cardiol., 29:1321-1330 (1997)
CN	Verdier et al., "Preclinical Safety Evaluation of Human Gene Therapy Products", Toxicological Sciences 47:9-15 (1999)
CO	Yoshida et al., "Differential Endothelial Migration and Proliferation to Basic Fibroblast Growth Factor and Vascular Endothelial Growth Factor", Growth Factors, 13:57-64 (1996)

Examiner:

Date: